

PUBLIC and DEPUTY WEIGHMASTER HANDBOOK

ARIZONA REVISED STATUTES CHAPTER 15 - DEPARTMENT OF WEIGHTS AND MEASURES

41-2051 - Definitions

14. "Public weighmaster" means any person who is engaged in any of the following:

- (a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight certificate intended to be accepted as an accurate weight upon which a purchase or sale is to be based or on which a service fee is to be charged.
- (b) The business of weighing for hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.

41-2093. License as public weighmaster required; application; fee; renewal; exemptions

A. A person shall not serve as a public weighmaster unless the person is issued a public weighmaster license by the department in accordance with practices and procedures to be established by the director.

B. An application for a public weighmaster license shall be submitted to the department on a form prescribed and furnished by the department and shall be accompanied by the license fee prescribed in section 41-2092. The Department shall issue a public Weighmaster license for a period of twelve calendar months. The license expires on the first day of the month and year indicated on the license. A public Weighmaster license shall be posted at the licensed scale site in a manner that provides the Department access to the license during normal business hours.

C. If a licensee submits a license renewal application to the department before the date of expiration of the current license together with the renewal fee prescribed by the department, the existing license shall be valid for thirty days following its expiration date, or until issuance of the renewal license, whichever occurs first.

D. Except as otherwise provided in subsection F of this section, certified weighing of any property, livestock or commodity shall be performed only by a public weighmaster. The following persons are not required to obtain licenses as public weighmasters:

- 1. A person weighing property, livestock or a commodity that the person or the person's employer is either buying or selling for the person's or the person's employer's own account.
- 2. A person weighing property, livestock or a commodity in conjunction with or on behalf of a publicly sponsored or nonprofit organization sponsored exposition, fair or show event.

E. The official weighing of vehicles or conveyances by any employee of a city, county or state agency for weight-control regulatory purposes on public highways, roads or streets does not constitute public weighing.

F. On request and without charge, the department may issue a limited weighmaster license to any qualified officer or employee of a city, a county or the state authorizing the officer or employee to act as a public weighmaster only within the scope of the officer's or employee's official employment and duties in enforcing local ordinances substantially complying with the requirements of this chapter. While performing the duties of a limited Weighmaster, a limited Weighmaster shall have the limited weighmaster's license in the limited weighmaster's possession.

G. The department shall approve all forms, certificates, seals and other documents together with practices, procedures and equipment used by public weighmasters in the performance of their duties. A public weighmaster shall keep for such period as the department by rule may require a legible copy of each weight certificate the public weighmaster issues. Copies of weight certificates shall be available at all reasonable times for inspection by the department.

41-2115. Civil penalties

A. A person who violates this chapter, any rule of the department or any license requirement is subject to a civil penalty imposed by the director. A person who violates this chapter, any rule of the department or any license requirement may request a hearing to review a civil penalty imposed under this section. The department shall conduct the hearing in accordance with chapter 6, article 10 of this title. The civil penalty shall not exceed five hundred dollars for each infraction nor more than five thousand dollars for any thirty day period.

B. The attorney general shall bring actions to recover penalties pursuant to this section in the superior court in the county in which the violation occurred or in a county where the agency has its office. All monies derived from civil penalties shall be transmitted to the state treasurer to be deposited in the state general fund.

41-2116. Delinquent civil penalties and fees

In addition to any other penalty, if a civil penalty or any fee due pursuant to this chapter has not been paid thirty days after the due date, the civil penalty or fee is delinquent and the department may refuse to issue a license or may revoke a license pursuant to this chapter until the civil penalty or fee is paid in full.

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ARIZONA ADMINISTRATIVE CODE TITLE 20 COMMERCE, BANKING AND INSURANCE CHAPTER 2 DEPARTMENT OF WEIGHTS AND MEASURES

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R20-2-101. Definitions

30. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.

39. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

ARTICLE 5. PUBLIC WEIGHMASTERS

R20-2-501. Qualifications; License and Renewal Application Process

A. A public weighmaster shall have the following minimum qualifications:

1. Be a person at least 18 years old;
2. Be able to operate a scale accurately; and
3. Be able to execute weight certificates properly.

B. A deputy public weighmaster shall have the same minimum qualifications as a public weighmaster. A public weighmaster who designates a deputy public weighmaster shall notify the Department in writing within 5 days of designating a deputy. A deputy shall not perform the duties of a deputy public weighmaster until the deputy has passed the written weighmaster exam administered by the Department.

C. An individual meeting the qualifications for public weighmaster, as set forth in this Section, may apply for a license on a form supplied by the Department.

1. The application form may require:
 - a. The applicant's name, address, and telephone number;
 - b. A representation by the applicant that the applicant knows and understands all applicable weights and measures laws and rules;
 - c. The name, address, and telephone number for each location of the applicant's business;
 - d. The name, address, and telephone number of each of the applicant's public weighmaster locations;
 - e. The name of each deputy public weighmaster;
 - f. The name and address of the scale owner;
 - g. The scale description; and
 - h. The applicant's signature.
2. Applicants may be required to submit evidence of their qualifications and shall be examined regarding their competence or qualifications.

D. Before the Department issues any license or renewal of a public weighmaster license, the applicant shall pay any required fees and provide any information required by the Department in A.R.S. § Title 41, Chapter 15, or this Article.

R20-2-502. Duties

A public weighmaster shall:

1. Be available at the scale location and responsible for its daily operation and maintenance, unless specifically exempted in writing by the Department;
2. Use scales according to applicable laws and rules; and
3. Be responsible for all acts performed by any deputy public weighmaster designated by the weighmaster.

R20-2-503. Grounds for Denying License or Renewal; and Disciplinary Action

A. The Department may deny a weighmaster license for any of the following reasons:

1. Providing false or misleading information;
2. Failing to meet the requirements stated in this Article; or
3. Any of the reasons stated in subsection (B)(1) through (9).

B. The Department may impose disciplinary action against, or refuse to renew a public weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the Department has determined that the public weighmaster:

1. Does not have the ability to weigh accurately;
2. Has not correctly made weight certificates;
3. Has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter;
4. Has falsified a weight certificate;
5. Has delegated authority to someone other than a licensed public weighmaster or deputy public weighmaster;
6. Has improperly used a weighmaster's seal of authority;
7. Has presigned certificates for later use;
8. Has issued a weight certificate on which changes or alterations were made; or
9. Has used a scale for public weighing that is not properly licensed.

R20-2-504. Scales and Vehicle Weighing

A. When making a weight determination, a public weighmaster shall use a weighing device that is suitable for the function.

B. The public weighmaster shall not use a scale to weigh a load that exceeds the normal or rated capacity of the scale.

C. The owner or user of a weighing device is responsible for the accuracy of the device used by a public weighmaster. The owner or user shall comply with Handbook 44.

D. If a scale is equipped with a printing device, it shall be used for all relevant entries on the weight certificate.

E. The Department shall separately license and regulate each scale location.

F. A weighmaster shall weigh any vehicle or combination of vehicles on a scale having a platform that fully accommodates the vehicle or combination of vehicles as 1 unit.

G. If a combination of vehicles is divided into separate units to be weighed, each separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each unit.

R20-2-505. Weight Certificates

A. In issuing a weight certificate, a public weighmaster shall enter only those weight values that the weighmaster or deputy weighmaster has accurately and personally determined.

B. A public weighmaster shall not make any entries on a weight certificate issued by another person.

C. By signing a weight certificate, a weighmaster or the weighmaster's deputy shall be responsible for the accuracy of all entries on the weight certificate.

D. A weight certificate is valid only when properly signed and sealed by the issuing weighmaster or the weighmaster's deputy.

E. If an error is made on a weight certificate, the weighmaster shall void the certificate and issue a new certificate. No changes or alterations shall be made on a certificate.

F. A weight certificate shall state:

1. The date of issuance;
2. The kind of property, produce, commodity or article weighed;
3. The name of the declared owner, agent, or consignee of the material weighed;
4. The accurate weight of the material weighed and counted;
5. The means by which the material is being transported at the time it is weighed;
6. An identification number of the transporting unit, including a license number; and
7. The following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF WEIGHT AND MEASURE." This is to certify that the following described merchandise was weighed and counted or measured by a public or deputy weighmaster, and when properly signed and sealed, shall be prima facie evidence of the accuracy of the weight shown as prescribed by law".

G. A public weighmaster shall maintain a legible copy of each weight certificate issued at each scale location, for a minimum of 1 year. A weighmaster also shall ensure that weight certificates are consecutively numbered and filed numerically. A weighmaster shall not use another filing system without Department approval.

R20-2-506. Seal of Authority

A. A weighmaster shall obtain a seal for the certification of weight certificates at cost through the Department.

B. The Department shall assign a number to a seal identifying the public weighmaster and the specific location for which the seal is issued.

C. A seal is the property of the state. A weighmaster shall surrender a seal to the Department within 30 days after the weighmaster no longer operates as a licensed public weighmaster.

D. A public weighmaster shall have 1 seal for use at each scale location.

E. A seal shall be accessible to the weighmaster and authorized deputies during all business hours at the scale location for the timely and proper certification of weight certificates.

F. A public weighmaster shall keep a seal of authority at each scale location and make it available for inspection by the Department during all business hours.

R20-2-507. Prohibited Acts

A. A person shall not:

1. Issue a certified weight certificate without being a licensed public weighmaster or a person properly authorized to act for a public weighmaster;
2. Procure, print, or cause to be printed any public weighmaster weight certificate without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
3. Possess unfilled or unused public weighmaster weight certificate forms without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
4. Furnish or give false information to a weighmaster for use in the completion of a weight certificate;
5. Present a certificate for payment falsified by the insertion of any weight, measure, or count not determined by the issuing weighmaster;
6. Use without authorization the title "licensed public weighmaster" or any similar title;
7. Represent oneself to be a public weighmaster without holding a license issued by the Department;
8. Engage in public weighing without holding a valid license as a public weighmaster, or acting under the authority of a licensed public weighmaster;
9. Use an unlicensed scale in the performance of public weighmaster duties; or
10. Operate a scale for public weighing unless that person is licensed as a public weighmaster.

B. People engaged in the business of printing weight certificate forms, their representatives, and the Department are exempt from the prohibitions specified in subsections (A)(2) and (3).

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Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices

UR.3.3 Single Draft Vehicle Weighing

A vehicle or a coupled vehicle combination shall be commercially weighed on a vehicle scale only as a single draft. That is, the total weight of such a vehicle or combination shall not be determined by adding together the results obtained by separately and not simultaneously weighing each end of such vehicle or individual elements of such coupled combination. However:

- a) the weight of a coupled combination may be determined by uncoupling the various elements (tractor, semitrailer, trailer), weighing each unit separately as a single draft, and adding together the results, OR
- b) the weight of a vehicle or coupled-vehicle combination may be determined by adding together the weights obtained while all are resting simultaneously on more than one scale platform.

NOTE: This does not apply to highway law enforcement scales and scales used for the collection of statistical data.